

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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July 28, 2023

Dina Tasini, Director of Community Development  
Community Development Department  
Town of Tiburon  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Dear Dina Tasini:

**RE: Town of Tiburon's 6<sup>th</sup> Cycle (2023-20321) Adopted Housing Element**

Thank you for submitting the Town of Tiburon's (Town) housing element adopted May 22, 2023 and received for review on May 31, 2023 along with draft revisions received on July 27, 2023. Pursuant to Government Code section 65585, subdivisions (b) and (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by several meetings with you, Mary Wagner, the Town Assistant Attorney, and Christine O'Rourke, the Town's consultant. In addition, HCD considered comments from Harmonie Park Development and the Committee to Preserve the Paradise Cove Salt Marsh, Tidelands and Neighborhood Safety pursuant to Government Code section 65585, subdivision (c).

The adopted housing element addresses most statutory requirements described in HCD's April 17, 2023 letter; however, additional revisions are necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq), as follows:

*An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

*Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the town's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in*

*the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning... (Gov.Code, § 65583, subd. (c)(1).)*

Environmental Constraints and Infrastructure Availability (Site H): Pursuant to third party comments several potential constraints have been identified that may impede the ability of Site H to be developed during the planning period to the assumed unit capacity of 93 units. Specifically, potential constraints identified include the following:

- Water and sewer availability or a plan to provide water or sewer service.
- Fire and emergency services access to the property including access to water.
- Ephemeral streams that may constrain the buildable footprint.

While conversations with staff and communications from the owner of the property indicate that these issues will not constrain the development of the property, the element should reflect this information, responding to these concerns to demonstrate the suitability of this site to accommodate the 93 units of above moderate-income housing.

Program H-II (Rezone 4576 Paradise Drive): The element commits to establish development standards for Site H to accommodate the assumed unit capacity. As a reminder, the program must establish development standards, including zoning and objective design standards, that will accommodate the presumed unit capacity even when taking into consideration known site constraints.

The element will substantially comply with statutory requirements of State Housing Element Law once it has been revised to comply with the above requirements, adopted, and submitted to HCD, pursuant to Government Code section 65585, subdivision (g).

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the Town failed to adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), Program H-II (Rezone 4576 Paradise Drive) must be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i). Please be aware, if the Town fails to adopt a compliant housing element within one year from the statutory deadline, the element cannot be found in substantial compliance until rezones to accommodate a shortfall of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. During the housing element revision process, the Town must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the Town to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the Town meets housing element requirements for these and other funding sources.

HCD appreciates the collaboration you, Mary Wager, and Christine O'Rourke provided throughout the course of the housing element review. We are committed to assisting the Town in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Brandon Yung, of our staff, at [brandon.yung@hcd.ca.gov](mailto:brandon.yung@hcd.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Melinda Coy', with a long horizontal stroke extending to the right.

Melinda Coy  
Proactive Housing Accountability Chief